UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,694	10/16/2000	YUJI TAKAMIZAWA	P5285A	3266

20178	7590	01/25/2006

EPSON RESEARCH AND DEVELOPMENT INC
INTELLECTUAL PROPERTY DEPT
150 RIVER OAKS PARKWAY, SUITE 225
SAN JOSE, CA 95134

EXAMINER
NGUYEN, MADELEINE ANH VINH

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/690,694	TAKAMIZAWA ET AL.
	Examiner	Art Unit	
	Madeleine AV Nguyen	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 November 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18 and 20-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18 and 20-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>10/16/2000</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments, see pages 8-12, filed on November 1, 2005, with respect to the

rejection(s) of claim(s) 1-27 under Makino in view of Teradaira et al have been fully considered

and are persuasive. Therefore, the rejection has been withdrawn. However, upon further

consideration, a new ground(s) of rejection is made in view of Akiyama et al (US Patent No.

5,594,653).

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on
> sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-18, 20-27 are rejected under 35 U.S.C. 102(b) as being anticipated by Akiyama

et al (US Patent No. 5,594,653)

Concerning claims 1, 21, 24, Akiyama et al discloses a printer (printing apparatus side,

Fig.1) adapted to be connected to a host computer (61, Fig.2) and to receive data including

control commands from the host computer comprising a receive buffer (65) for temporarily

storing received data; a data interpreter (66) for interpreting the data in the receive buffer; control

means (68) responsive to the data interpreter for controlling the printer; state detection means

(71-76) for detecting whether the printer is in a first state (off-line or when an error occurs) in

which data is received and the received data is not printed, or in a second state (on-line) in which

data is received and the received data is printed; clearing means (Table 1when n=8) for clearing

the received buffer, characterized in that the clearing means is responsive to the state detection

means for clearing the receive buffer in response to the printer entering said first state (Figs. 7-8;

Abstract; col. 8, lines 21-54; col. 13, line 1 - col. 14, line 20; col. 15, lines 31-67; col. 16, line 60

– col. 18, line 18).

Concerning claims 2-5, 6, 7, 22, 23, Makino et al further teaches a setting means (69 and

77 Fig.5) for setting data handling mode that determines how data are handled when the printer

is in the first state (off-line state); and reading means (73) for reading the data handling mode in

response to the printer entering the first state; wherein the clearing means is adapted to clear the

receive buffer only when the data handling mode is set (n=8) to allow clearing of the receive

buffer (claims 2, 22), (122, Fig.7; 146, Fig.8; 112, Fig.10); the setting means is adapted to set the

data handling mode in response to a specific control command from the host computer (2),

(claim 3), (col. 15, lines 30-65; col. 16, line 62 – col. 17, line 25); a data discarding means for

discarding print data and not discarding command data received from the host computer while

the printer is in the first state (off-line state), (claims 4, 23), (132, Fig.8; col. 15, lines 30-65; col.

16, line 62 – col. 17, line 25); the data discarding means is adapted to discard data only when the

data handling mode is set to allow discarding the data received from the host computer, (claim

5), (col. 13, line 1 - col. 14, line 20; col. 15, lines 31-67; col. 16, line 60 – col. 18, line 18); a

print buffer (67) for storing expanded print data wherein the clearing means is adapted to clear

both the receive buffer and the print buffer (claim 6), (col. 14, lines 1-6); the first state is an off-

line state in which the data interpreter does not interpret received print data and does interpret

received command data, and the second state is an on-line state in which the data interpreter interprets received data, (claim 7), (Abstract; col. 15, lines 30-65; col. 16, line 62 – col. 17, line 25).

Claim 8 is method claim of apparatus claim 1. Claim 8 is rejected for the same rationales set forth for claim 1 above.

Concerning claims 9-18, 20, Akiyama et al further teaches that the clearing step is accomplished immediately after the first state is detected, (claim 9), (146, Fig.6; col. 14, lines 1-6); setting a data handling mode so as to either allow or not allow clearing of the received buffer (col. 13, line 34 – col. 14, line 6); reading the data handling mode in response to detection of the first state, wherein the clearing step comprises clearing the receive buffer only when the data handling mode read in step reading allows clearing of the receive buffer, (claim 10), (col. 13, line 34 – col. 14, line 6; col. 16, line 62 – col. 17, line 22); the setting step is accomplished according to a specific control command from a host computer 2, (claim 11), (col. 13, line 34 – col. 14, line 6; col. 16, line 62 – col. 17, line 22); a step of discarding data received from a host computer after the receive buffer was cleared and until detecting step detects the second state, (claim 12), (Figs.7, 8, 10; col. 13, line 21 – col. 14, line 25; col. 15, lines 30 –65); the step of discarding data comprises discarding data only when the data handling mode read in reading step further allows discarding the data received from the host computer, (claim 13), (Figs.7, 8, 10; col. 13, line 21 – col. 14, line 25; col. 15, lines 30 –65; col. 16, line 60 -,col. 17, line 25); a step of saving in the receive buffer data received from the host computer after the receive buffer was cleared in the clearing step and until the detecting step detect the second state, (claim 14), (Figs.7, 8, 10; col. 13, line 21 – col. 14, line 25; col. 15, lines 30 –65; col. 16, line 60 -,col. 17, line 25); a step of

clearing the receive buffer when the second state is detected in the detecting step after the first

state had been detected, (claim 15), (Figs.7, 8, 10; col. 13, line 21 – col. 14, line 25; col. 15, lines

30 –65; col. 16, line 60 -,col. 17, line 25); a clearing mode for clearing received data or contents

stored in the memory, (claim 16-17), (Figs.7, 8, 10, 13), the first state is an off-line state and the

second state is an on-line state, (claim 18), (col. 16, line 60 – col. 17, line 25), sending print data

to the printer in conjunction with a printing completed command requesting notification when

printing of the print data is completed, awaiting a print completed notification, resending the

print data, (claim 20), (Figs.13, col. 16, line 60 – col. 17, line 67).

Concerning claim 25, Makino et al further teaches a clearing unit that clear the receive

buffer wherein if there is a state transition into the second state, the clearing unit clears the

receive buffer (Figs.8, 10, 13).

Claims 26-27 are method claim of apparatus claims 1 and 25. Claims 26-27 are rejected

for the same rationales set forth for claims 1 and 25.

Conclusion

3.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period
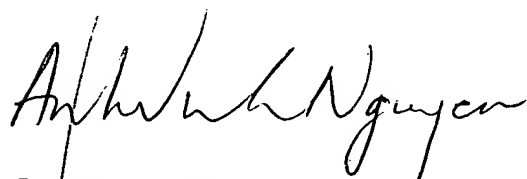
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-

7466. The examiner can normally be reached on Monday, Tuesday, Thursday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kimberly A. Williams can be reached on 571 272-7471. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Madeleine AV Nguyen
Primary Examiner
Art Unit 2626

January 21, 2006